



This report is an **EXCERPT** from the:

Iowa Criminal and Juvenile Justice Plan

1998 Update

CJJP Division of Criminal & Juvenile Justice Planning
Iowa Department of Human Rights

February, 1998

Restorative Justice

Community Policing

Electronic Monitoring
System

Substance Abuse
Treatment

Probation Entries To
Prison

Prison Population
Forecast
UPDATED! - SEE PUBLICATIONS -
RECENT REPORTS

Intermediate Criminal
Sanctions Plan

Equality In The Courts
Task Force

Sentencing Reform

Juvenile Justice
Comprehensive Strategy

Iowa Criminal and Juvenile Justice Plan -- 1998 Update

ABOUT THE REPORT

Pursuant to Iowa Code 216A, subchapter 9, CJJP is required to issue an annual report containing long-range systems goals, special issue planning recommendations and research findings. CJJP's 1998 response to its reporting requirement is replicated in the manner of the distribution of the 1997 Update. Again this year, CJJP is issuing one large document which contains many separate reports. Single-issue 1998 Update reports will be made available based on reader interest and need.

Having utilized this disseminating approach of CJJP research and reports in 1997, it proved to be cost effective and responsive to the planning activities and information needs of Iowa's policy makers, justice system officials and others.

On the cover of this document is a listing of various topics that are the subject of separate CJJP reports issued in February 1998. To receive other 1998 reports, please contact CJJP as indicated below.

Through the oversight of both the Iowa Juvenile Justice Advisory Council and the Iowa Criminal and Juvenile Justice Planning Advisory Council, CJJP staff are engaged in a variety of research, data analysis, program and policy planning and grant administration activities. Annually, these two advisory councils review long-range justice system goals and identify current issues of concern to be addressed through CJJP's research and planning activities.

Reports on the issues listed below are being issued through CJJP's 1998 Update and are the result of the planning activities of the Iowa Criminal and Juvenile Justice Planning Advisory Council (CJJ PAC) and the Iowa Juvenile Justice Advisory Council (JJAC). A number of this year's reports contain council recommendations. Please note these recommendations were approved by CJJPAC.

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|---------------------------------------|--|
| • Restorative Justice | • Prison Population Forecast |
| • Community Policing | • Intermediate Criminal Sanctions Plan |
| • Electronic Monitoring System | • Equality in the Courts Task Force |
| • Substance Abuse Treatment | • Sentencing Reform |
| • Probation Entries to Prison | • Juvenile Justice Comprehensive Strategy |

Note: Several of the study issues contain information on the various initiatives being conducted in Iowa's eight judicial districts. A map of these districts is located in Appendix A of this report. This map will accompany those individual reports where a judicial district is identified within its contents.

A number of CJJP staff were involved in the research and writing of the reports being issued through this 1998 Update. Primary authorship or significant contributions were as follows:

Richard Moore: CJJP Administrator

Clarence Key, Jr.: “Restorative Justice”
“Community Policing”
“Electronic Monitoring System”
“Substance Abuse Treatment”
“Intermediate Criminal Sanctions Plan”
“Equality in The Courts Task Force”
“Sentencing Reform”

Lettie Prell: “Probation Entries to Prison”
“Prison Population Forecast”

Laura Roeder: “Prison Population Forecast”

The state prison population forecast was made possible through partial funding by the U.S. Department of Justice, Bureau of Justice Statistics and their program for State Statistical Analysis Centers. Points of view or opinions expressed in this report are those of the Division of Criminal and Juvenile Justice Planning, and do not necessarily reflect official positions of the U.S. Department of Justice.

TO RECEIVE ADDITIONAL CJJP 1998 UPDATE REPORTS

Reports on the issues listed on the previous page can be obtained by contacting CJJP:

Division of Criminal and Juvenile Justice Planning
Iowa Department of Human Rights
Lucas State Office Building
Des Moines, Iowa 50319

Phone: 515-242-5823
Fax: 515-242-6119
email: cjjp@max.state.ia.us

AVAILABILITY OF RELATED REPORTS:

The following CJJP reports are being released at this time separately from the Plan Update. To receive copies of the below listed reports, contact CJJP as described above.

- “Delinquency Resource Guide”, Dave Kuker, CJJP, 1998
- “Juvenile Crime Prevention Community Grant Fund Program”, Dave Kuker, 1998

MULTI-YEAR GOALS

INTRODUCTION

Iowa Code Section 216A.135 requires the Criminal and Juvenile Justice Planning Advisory Council (CJJPAC) to submit a long-range plan for Iowa's justice system to the Governor and General Assembly every five years. The first plan developed after the creation of the Division of Criminal and Juvenile Justice Planning was issued in 1990 and annually updated through 1994. Since 1992, appropriation law has required the CJJPAC to coordinate their planning activities with those of the Iowa Juvenile Justice Advisory Council (JJAC).

In 1995, these two councils developed a new plan consisting of a set of long-range justice system goals to assist policy makers and justice system practitioners as they plan and operate the justice system through the next twenty years. The statutory mandate for such long-range planning requires the identification of goals specific enough to provide guidance, but broad enough to be of relevance over a long period of time. The long-range goals adopted by these councils cover a wide variety of topics and attempt to offer a framework within which current practices can be defined and assessed. Collectively, these long-range goals are meant to provide a single source of direction to the complex assortment of practitioners and policy-makers whose individual concerns and decisions, collectively, define the nature and effectiveness of Iowa's justice system.

The twenty-year goals established in 1995 will be reviewed throughout the councils' statutorily defined five year planning period. They are presented again this year and will continue to be repeated until the councils' next five-year plan is due in the year 2000 or until their direction is deemed inappropriate or unnecessary. The goals presented and discussed below are meant to facilitate analyses and directions for the following areas of justice system issues and concerns:

PLANNING AREAS:

- **VIOLENCE REDUCTION AND CRIME PREVENTION**
- **PUBLIC CONFIDENCE IN THE JUSTICE SYSTEM**
- **MINORITY OVERREPRESENTATION IN THE JUSTICE SYSTEM**
- **COORDINATION OF GOVERNMENT RESPONSIBILITIES AND SYSTEM OPERATIONS**
- **INFORMATION SYSTEMS -- PLANNING AND MONITORING**
- **TECHNOLOGY**
- **SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR ADULT OFFENDERS**
- **SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR JUVENILE OFFENDERS**

To update the 1995 Plan, the CJJPAC and the JJAC directed staff to conduct new research and continue several initiatives during 1998. Following the review of the many studies, planning efforts, policy debates and other developments now underway in Iowa's justice system, the following concerns and initiatives were selected as most appropriate for the development of 1998 reports and recommendations:

1998 REPORTS:

Promising Approaches in dealing with Criminal Offenders

Restorative Justice
Community Policing
Electronic Monitoring System

Study Issues

Substance Abuse Treatment
Probation Entries to Prison
Prison Population Forecast

Systemic Planning and Development Activities/Updates

Intermediate Criminal Sanctions Plan
Equality in the Courts Task Force/Criminal Issues Committee/
Disproportionate Incarceration Rate of African Americans
Sentencing Reform
Juvenile Justice Comprehensive Strategy

Concerns and developments within these areas are considered by the councils to be of particular importance to the planning and administration of the justice system over the next several years. Much attention is being devoted to these areas, and it is the councils' hope that the information presented in this report will be of help as they and others continue to plan and implement system improvements around these areas.

LONG-RANGE JUSTICE SYSTEM GOALS FOR IOWA

No single goal adopted by the CJJPAC and the JJAC and presented below is meant to take precedence over another. Just as the justice system is a complex system of many interrelated and overlapping components, these long-range goals should be viewed collectively as complementary to each other. In developing this plan, the CJJPAC and the JJAC determined that such interrelated goals should be established to guide decision-making in the following issue areas:

VIOLENCE REDUCTION AND CRIME PREVENTION

GOAL: TO ESTABLISH IOWA AS THE STATE WITH THE LOWEST VIOLENT AND PROPERTY CRIME RATES IN THE NATION.

Achieve and maintain this status by preventing crime and reducing crime levels through:

- Community-specific crime prevention and early intervention leadership, plans and activities involving public officials, service organizations and community coalitions to address:
 - ◊ DOMESTIC VIOLENCE
 - ◊ CHILD ABUSE
 - ◊ SUBSTANCE ABUSE
 - ◊ TEEN PREGNANCY
 - ◊ PARENTING SKILLS AND FAMILY STABILITY
 - ◊ CITIZEN AND NEIGHBORHOOD EMPOWERMENT
 - ◊ TRUANCY AND DROPOUTS
 - ◊ MENTAL HEALTH SERVICE NEEDS
 - ◊ CRIMINAL GANG ACTIVITIES AND YOUTH PARTICIPATION IN GANGS
 - ◊ UNEMPLOYMENT
 - ◊ ECONOMIC OPPORTUNITIES
 - ◊ ILLITERACY
 - ◊ HOMELESSNESS
- Coordination of state, county and local law enforcement efforts that assures an appropriate sharing of costs, resources and intelligence information for crime prevention, criminal investigations and the apprehension of law violators.
- Defining, structuring, implementing and evaluating a continuum of sanctions and an array of services for adult offenders, delinquents and their families in their home communities that promote law-abiding behavior, family stability and community responsibility.
- Defining, structuring, implementing and evaluating monitoring practices that manage the risks presented by those delinquents and adult offenders providing community service and restitution or receiving community-based sanctions, education, training or counseling.
- Defining, structuring, implementing and evaluating a limited number of secure and other highly structured treatment facilities for a targeted group of delinquents selected according to their need for specialized services and their risk of reoffending.
- Developing and implementing policies and practices that assure the availability of jail and prison space to incapacitate habitual serious offenders and violent criminals.

PUBLIC CONFIDENCE IN THE JUSTICE SYSTEM

GOAL: TO ESTABLISH STRONG PUBLIC OPINION THAT THE JUSTICE SYSTEM IS OPERATING EFFICIENTLY AND EFFECTIVELY.

Public opinion could be affected through:

- Visible enhancement of efforts to improve system efficiency and effectiveness.
- Acknowledgment and acceptance of a responsibility to educate the public (by elected officials, system practitioners, the media and others) of the inherent limitations of a system largely designed to react to individual's and society's problems and shortcomings.
- Better identification, documentation and reporting of effective policies, programs and sanctions.
- Increased likelihood of sanctions that hold offenders accountable and provide restitution to their victims and their communities.
- Increased likelihood of sanctions and offender programming, services and treatment that reduce repeat offending.
- Statewide consensus on appropriate sentence lengths, terms of imprisonment and the retributive and punitive nature of other sanctions.
- Increased citizen participation in the system through community and neighborhood crime prevention groups, use of volunteers in system agencies, and public participation in the development and review of system policies and activities.
- Better reporting and increased awareness of actual volume and nature of crime in Iowa.
- Increased victim supports and participation in the system.

MINORITY OVERREPRESENTATION IN THE JUSTICE SYSTEM

GOAL: TO HAVE ALL ASPECTS OF THE JUSTICE SYSTEM FREE OF BIAS, PERCEIVED BIAS AND DISPARATE TREATMENT OF OFFENDERS, VICTIMS OR WITNESSES.

Bias within the justice system has been documented or has been perceived to exist throughout system components and proceedings. Elimination of bias and the perception of bias can be sought through:

- Increased citizen participation in the system through community and neighborhood crime prevention groups, use of volunteers in system agencies and public participation in the development and review of system policies and activities.
- Increased public awareness of system policies, practices, operations and limitations.
- Appropriate and ongoing training of system officials and agency personnel.
- Development and strengthening of state, local and agency policies and practices that assure equality in offenders' and alleged offenders' exposure and access to the justice system's many and varied types of procedures, sanctions, levels of supervision, services and treatment.
- Development of supervision approaches, treatment programs and other services culturally and environmentally specific and appropriate to meet the needs of persons with diverse cultural backgrounds and life-styles.
- Recruitment and retention of minority persons in all levels of employment and volunteer activities throughout the justice systems.
- Identification and monitoring of statewide, local and agency-specific indicators of bias to enhance public awareness.
- Demonstration of efforts to eliminate bias in the justice system as a model for improving other social systems and institutions (e.g. education, child welfare, employment services, income assistance, substance abuse, mental health, economic development, etc.) whose effectiveness affects the size and nature of the justice system's case load.

COORDINATION OF GOVERNMENT RESPONSIBILITIES AND SYSTEM OPERATIONS

GOAL: TO ESTABLISH COMMUNITY-LEVEL PLANS AND ACTIVITIES THAT ASSURE EQUITABLE AND VIABLE JUSTICE SYSTEM SANCTIONS AND SERVICES THROUGH STATE POLICIES THAT PROMOTE EFFICIENT AND EFFECTIVE:

- **DISTRIBUTION OF RESPONSIBILITIES AMONG LOCAL, COUNTY, STATE, EXECUTIVE AND JUDICIAL BRANCHES OF GOVERNMENT;**
- **COORDINATION OF ALL COMPONENTS OF THE CRIMINAL AND JUVENILE JUSTICE SYSTEM; and,**
- **COORDINATION AMONG THE JUSTICE SYSTEM AND OTHER SOCIAL AND GOVERNMENTAL SYSTEMS AND INSTITUTIONS.**

The list found below describes justice system components and responsibilities with interrelated purposes. The responsibilities for funding, administering and otherwise overseeing these components are now spread among the various branches and units of government. No readily visible, unifying principles or mandates assure their integration. Decisions may be made within one component that have a major impact on other components, but such impact may be either unforeseen or not planned for. Such a lack of coordination may occur at both the specific-case level and within local, regional and state level planning and policy development activities.

The funding and operational responsibilities for some of these components are currently undefined. For others, responsibilities may be shared to varying degrees by a number of governmental units. Still others may be administered unilaterally within narrow applications of component-specific mandates. Justice system components:

- Crime Prevention Programs and Services
- Early Intervention Programs and Services
- Law Enforcement
- Prosecution
- Defense
- Adjudication, Sentencing and Dispositions
- Victim Services
- Delinquency Intake and Waiver Proceedings
- Juvenile Diversion Programs and Services
- Juvenile Detention
- Case Management and Community Supervision of Delinquents
- Placement & Non-placement Programs and Services for Delinquents
- Adult Offender Diversion Programs and Services
- Pre-trial Release Procedures, Programs and Services
- Pre-trial Confinement in Jails and Lockups
- Case Management and Community Supervision of Adult Offenders

- Community-based Programs and Services for Adult Offenders
- Jails and [sentenced] Inmate Programming and Services
- Prisons and Inmate Programming and Services
- Probation Revocation Procedures
- Prison, Probation and Jail Release Procedures
- Parole Revocation Procedures

The decision-makers and various operational activities within some components of the justice system are, in many ways, the same for the criminal justice system and the juvenile justice system (e.g. crime prevention, law enforcement, prosecution, etc.). Many policies and components of the justice system, however, are unique to one or the other of these two related systems. ***Achieving the coordination of all components of the justice system will require additional intergovernmental and multi-agency efforts to plan and manage the interaction of programs and policies within and between the criminal and the juvenile justice systems.***

Both the criminal and the juvenile justice systems rely to a great extent on the resources and programs of other social and governmental systems and institutions to provide treatment and other services to offenders and victims and to support agency operations. Also, the justice system often intervenes in situations involving interactions among other systems' programs, services and clients. ***Equally important as a coordinated justice system is a justice system whose policies and practices are coordinated with the policies and practices of other governmental systems, including:***

- Education
- Public Health
- Mental Health, Mental Retardation and Developmental Disabilities
- Civil Rights
- Employment & Job Training
- Substance Abuse
- Public Welfare
- Child Abuse and Neglect

It is at the community level where system inefficiencies and ineffectiveness are most visible, and it is at the community level where the best chance exists for achieving true coordination of activities. ***State and county policies controlling funding, programs and operations should empower communities to develop and support coordinated approaches that are efficient and effective and that are consistent with the statewide goals of assuring equitable and viable justice system sanctions and services.*** Officials and agencies should be given the authority, responsibility and resources to accomplish these goals at the community level.

INFORMATION SYSTEMS—PLANNING AND MONITORING

GOAL: TO ESTABLISH INTEGRATED JUSTICE SYSTEM INFORMATION REPORTING CAPABILITIES AND PROCEDURES THAT PROVIDE PRACTITIONERS, OFFICIALS AND POLICY MAKERS WITH THE INFORMATION THEY NEED TO CARRY OUT THEIR RESPONSIBILITIES AND TO MONITOR AND EVALUATE JUSTICE SYSTEM POLICIES AND PROGRAMS.

Information systems to more fully develop, improve and integrate:

- Incident-Based Uniform Crime Reports
- Criminal History Records
- Prosecution Activities and Outcomes
- Iowa Court Information System
- Department of Corrections Information Systems
- Department of Human Services Information Systems
- Division of Substance Abuse and Health Promotion Information Systems
- Other

Information needed from data systems:

Case-specific data for:

- Investigations and arrests
- Background checks
- Release/custody decisions
- Adult court charging and sentencing decisions
- Juvenile court intake and disposition decisions
- Supervision, service and treatment planning and monitoring
- Program and service eligibility determinations
- Other

State, local and program-specific aggregate data for:

- Budget development and resource allocation
- Policy & program evaluation and monitoring
- Other

TECHNOLOGY

GOAL: TO UTILIZE ADVANCED TECHNOLOGIES THAT MAXIMIZE EFFICIENCY, SUPPORT PROGRAM AND POLICY EVALUATIONS AND PROMOTE EFFECTIVE AND EQUITABLE JUSTICE, SERVICES, AND PUBLIC PARTICIPATION.

System operations include:

- Investigation and discovery
- Court proceedings
- Incarceration and detention
- Offender supervision, services and treatment
- Fine assessment and collection
- Victim services and treatment
- Mediation services
- Witness assistance
- Jury selection and support
- Community crime prevention and public participation
- Administration, planning, evaluation and monitoring
- Other

Advanced technology areas:

- Data collection, management and reporting
- Communications
- Transportation
- Forensics
- Surveillance, monitoring and supervision
- Crime prevention through environmental design
- Office and facility operations
- Planning and evaluation methodology
- Education and training for:
 - ◊ offenders
 - ◊ system officials and practitioners
 - ◊ citizen groups and general public

SANCTIONS, SUPERVISION, TREATMENT, AND SERVICES FOR ADULT OFFENDERS

GOAL: TO ADMINISTER SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR ADULT OFFENDERS THAT ARE EQUALLY ACCESSIBLE AND APPLIED CONSISTENTLY ACROSS THE STATE AND THAT HAVE BEEN DOCUMENTED AS EFFECTIVE IN THEIR ABILITY TO:

- **DETER OFFENDERS AND POTENTIAL OFFENDERS FROM ENGAGING IN FUTURE CRIMINAL BEHAVIOR;**
- **PROTECT THE PUBLIC AND MANAGE OFFENDER RISKS IN A COST EFFECTIVE MANNER USING LEAST RESTRICTIVE, APPROPRIATE MEASURES;**
- **PROVIDE ADULT OFFENDERS WITH THE REQUIREMENT AND OPPORTUNITY TO MAKE REPARATION TO THEIR VICTIMS; and,**
- **PROVIDE ADULT OFFENDERS THE OPPORTUNITY TO MAINTAIN, REGAIN OR ACHIEVE THE CAPACITY TO REMAIN IN, OR RETURN TO, THE GENERAL POPULATION AS LAW ABIDING, CONTRIBUTING CITIZENS.**

Achieving this goal will involve the continuation or development of a variety of activities and initiatives:

- Determining the relative deterrent effects of sanctions with different conditions, intensities and time periods (jail, prison, probation monitoring and programming, intensive supervision, community service, fines, etc.) and determining how such deterrent effects vary for people with different backgrounds, education and skill levels, impulse control and rational-thinking capacities, ties to family and community, etc.
- Establishing or strengthening risk assessment and risk management procedures for all stages of justice system decision-making.
- Defining, structuring and supporting the use of intermediate sanctions and improving offender assessment and monitoring tools to help court, parole, and correctional officials select and provide sanctions, supervision, treatment and other services that are appropriate to offenders' needs and the public safety risks they present.
- Ongoing review and improvement of the ability of prisons and jails to serve as deterrents, to incapacitate habitual repeat offenders and violent predators, and to provide treatment and services needed by incarcerated offenders who will be returning to the general population to increase their skills and capacities to be law abiding, contributing citizens.

- Expanding current capacity to evaluate the effectiveness of sanctions, supervision and monitoring procedures, offender treatment and other services.
- Enhancing prison and jail work programs to provide inmates with income with which to make restitution, and strengthening community-based programs' activities to facilitate offender restitution, community service and other forms of victim/community reparation.
- Providing initial, ongoing and coordinated training for the system's many officials and practitioners to facilitate system improvements and to encourage more effective integration of system components.

SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR JUVENILE OFFENDERS

GOAL: TO ADMINISTER SANCTIONS, SUPERVISION, TREATMENT AND SERVICES FOR JUVENILE OFFENDERS THAT ARE EQUALLY ACCESSIBLE ACROSS THE STATE AND THAT HAVE BEEN DOCUMENTED AS EFFECTIVE IN THEIR ABILITY TO:

- **DETER JUVENILE OFFENDERS AND POTENTIAL OFFENDERS FROM ENGAGING IN FUTURE CRIMINAL BEHAVIOR;**
- **PROTECT THE PUBLIC AND MANAGE OFFENDER RISKS IN A COST EFFECTIVE MANNER USING LEAST RESTRICTIVE, APPROPRIATE MEASURES;**
- **PROVIDE JUVENILE OFFENDERS WITH THE REQUIREMENT AND OPPORTUNITY TO MAKE REPARATION TO THEIR VICTIMS; and,**
- **ASSURE THAT JUVENILE OFFENDERS RECEIVE THE PROTECTION, TRAINING, DISCIPLINE, BASIC LIVING NECESSITIES AND CARE AND TREATMENT GUARANTEED ALL CHILDREN IN IOWA.**

Achieving this goal will involve the continuation or development of a variety of activities and initiatives:

- Determining the relative deterrent effects that sanctions with different conditions, intensities and time periods have on children and youth (group placement and treatment facilities, State Training School, probation monitoring and programming, intensive supervision, community service, restitution, waivers to adult court, etc.) and determining how such deterrent effects vary for children and youth with different backgrounds, education and skill levels, impulse control and rational-thinking capacities, ties to family and community, etc.
- Establishing or strengthening risk assessment and risk management procedures for all stages of juvenile justice system decision-making.
- Defining, structuring and supporting the use of a range of community-specific early intervention services and dispositional options and improving assessment and monitoring tools to help the court and human service officials select and provide supervision, treatment and other services to juveniles and their families that are least restrictive and appropriate to the needs of juvenile offenders and to the public safety risks they present.
- Expanding current capacities to evaluate the effectiveness of sanctions, supervision and monitoring procedures, treatment and other services to juveniles and their families.

- Strengthening efforts in cases involving both placement and non-placement supervision and services to facilitate restitution, community service and other forms of victim/community reparation.
- Developing policies, procedures and funding approaches that allow for offender-specific continuity between the juvenile justice and adult correctional systems of supervision, treatment and services.
- Providing initial, ongoing and coordinated training for the system's many officials and practitioners to facilitate system improvements and to encourage more effective integration of system components.
- Providing training to community members to assist them identify community risks and protective factors related to juvenile delinquency, and to aid their efforts to reduce risks, strengthen protective factors, prevent juvenile crime and respond appropriately to the needs of their children and youth.

HOW CAN THESE GOALS BE ATTAINED?

As was stated when these goals were first introduced, many officials, practitioners and others will need to agree with these goals and work towards them cooperatively. This report, however, is primarily intended to serve as a guide to the Governor and General Assembly as they continue to respond to proposals and to develop initiatives to address immediate justice system issues and concerns. The goals were developed in recognition of much-publicized concerns and debates over crime and delinquency; they are offered to provide the state with a long-range vision with which to view the appropriateness of proposed reactions to current concerns.

When these goals were first established in 1995, it was recommended that no justice system policy or program change be made without a documented consideration of the extent to which the change will assist, and not hinder, the state's ability to attain these long-range goals. Because this has not occurred, the above information accompanying each goal statement is repeated again this year with the hope that it will assist decision makers as they seek funding priorities and policy and program initiatives to achieve comprehensive, long-term system improvements and a more effective criminal and juvenile justice system.

STUDY ISSUE RESTORATIVE JUSTICE
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Restorative justice seeks to achieve equitability in the criminal justice system through practices and principles to restore a proper balance between the rights and responsibilities of the victim, the offender and the community. In meeting this balance, restorative justice attempts to protect the public from violent and repeat offenders by holding criminal offenders accountable for their actions. Restorative justice assures that criminal offenders repay their victims and the community. This approach attempts to make whole, or as complete as possible, the victim, community and the offender.

Restorative justice also provides an expanded role for crime victims to become more active in the disposition of their cases, and it empowers them to be heard and have a direct impact on the manner in which their cases are managed.

Restorative justice has three fundamental principles:

- a) Crime results in injuries to victims, communities and offenders; therefore, the criminal justice process must attempt to repair those injuries.
- b) Not only government, but victims, offenders and communities should be actively involved in the criminal justice process at the earliest point and to the maximum extent possible.
- c) In promoting justice, the government is responsible for preserving order, and the community is responsible for establishing peace.

The movement to incorporate more restorative justice principles within the context of Iowa's criminal justice system varies from county to county and district to district. There is a growing awareness among justice system practitioners, policy and decision makers that there may be long range benefits to having the community involved in the development of a balanced approach to the administration and implementation of restorative justice concepts. This concept essentially holds criminal offenders accountable for offenses they have committed and for repairing the victim and the community as a result of their criminal behavior.

The implementation of restorative justice within Iowa's criminal justice system has occurred on a somewhat piecemeal basis. Its gradual growth within the state has been responsible for the development of various programs designed to increase offender accountability and to assist victims and communities in response to crime.

Restorative Justice Concepts

An early restorative justice program that had its origins in the late 1970's-early 1980's is neighborhood mediation. Neighborhood mediation provides for resolution of relatively minor disputes outside the formal legal process.

Many communities statewide have adopted this form of restorative justice and have found mediation/ resolution to be highly effective in select appropriate cases. Mediation programs can be looked upon as one of the cornerstone programs that initiated a different form of offender accountability and a response to criminal activity that focused its attention on the victim and their needs as a result of having been violated by the commission of a crime.

The state's eight judicial district departments of correctional services (these departments oversee our community based corrections system (CBC)) have become more cognizant of restorative justice concepts. There is a conscious effort by CBC officials to rebalance the direction of their offender supervision by focusing more on the needs of the victim.

Common forms of restorative justice utilized by state justice system practitioners and the courts are restitution and community service. It should be noted that these components can be found in both the criminal and juvenile justice systems.

Restitution holds the offender financially accountable to the victim of their crime. The offender pays monetary damages to the victim. Usually a financial assessment is made based on the victim's monetary loss due to the perpetration of the crime. This assessment will also include any medical expenditures incurred by the victim. Once the dollar amount is verified, the court then orders the offender to repay their victim. This court ordered decree is often times stipulated in probation and parole terms and conditions agreements. While almost all offenders in Iowa are required to pay restitution, the extent to which current practices allow the victim to participate in developing the restitution plan varies across the state. While any restitution paid by the offender to victims is consistent with restorative justice principles, the "restoration" of both the victim and the offender may be enhanced in those places where victims are given a more visible role, and the process does not rely entirely on "the system" to determine restitution requirements.

Another court ordered requirement - community service - is also a restorative justice tool that holds offenders accountable for their criminal activity. Offenders are assigned various work tasks that include, but are not limited to, community beautification (debris clean up, covering graffiti, etc.) or other tasks that improve the community. The intent is to have the offenders understand that their criminal behavior was a violation of the quality of life in the community and their court ordered service will help restore a neighborhood to the level of stability it enjoyed prior to having it disrupted by their criminal activity.

As was discussed above with restitution, community service, as commonly practiced, typically is a "system-offender" activity. While it provides a service to the community that is restorative in nature, it is likely enhanced when community members are more actively involved in determining the types of services and activities through which offenders can "repay" the community for their crimes.

In some CBC jurisdictions where Day Programming is available to offenders, classes on victim empathy have been developed. Here, offenders are provided information on understanding how their criminal behavior has affected victims and why such conduct is a violation of a victim's rights and quality of life. Victim empathy classes are also gradually being introduced and offered to offenders who are incarcerated in prison.

Some counties are moving more aggressively than others in regard to utilizing restorative justice concepts and principles as a direction and focus in their justice system mechanism. One community in particular that has embraced restorative justice is Ames, Iowa. In Ames, there is the Center for Creative Justice (CCJ), a non-profit organization in which has been in existence for the past 23 years. It has served local areas in conflict resolution, probation supervision (which includes restitution and community service components) and mediation (including family and adult victim/offender). CCJ has also extended their conflict resolution and mediation expertise to the workplace, landlord-tenant issues, small claims, interpersonal and truancy matters. CCJ staff also does outreach work in educating the public on restorative justice and the services its organization provides under this concept.

Many state prosecutors have developed a restorative justice program generally known as the Victim Offender Reconciliation Program (VORP). Usually this program originates from the county attorney's office. VORP allows the victims of a criminal offense to confront the alleged offender in face-to-face meetings to address their concerns in regard to the crime perpetrated by the offender. During these meetings, the parties are encouraged to reach agreements that will satisfy both the victim's need for reparation and the offender's need for accountability and a sense of being restored within the community. Once an agreement is reached, the offender must complete all the requirements of said agreement. When this type of agreement takes place at the pre-trial stage, the offender generally will receive a reduced charge or a recommendation of a more favorable disposition to the court at the time of sentencing if they successfully complete the requirements of the agreement.

Another fairly new CBC program -- the Youthful Offender Program (YOP) -- includes restorative justice aspects. This program is available in five judicial districts (1st, 4th, 5th, 6th and 8th). It is generally a six month to one year sentence alternative for young offenders, some of whom have been waived to adult court from juvenile court. The goal is to provide youthful offenders with programming in the area of substance abuse, attitude/behavior change and education that will hopefully steer them to become responsible and productive citizens.

As a rule, VORP and other victim and community-oriented activities are an integral part of YOP. Upon successful completion of this program, youthful offenders may receive a recommendation of probation instead of a prison sentence, original charges may be reduced to a lesser offense, or the offenders' record may be expunged.

Restorative justice concepts, principles and practices may also be found within state and local crime victim assistance programs. These programs (for example, the Iowa Attorney General's Crime Victim Assistance Division) help victims and communities address the immediate and long-term trauma of victimization. These programs attempt to restore stability as much as possible to the lives of individuals and communities affected by crime. While these programs primarily focus on the victim, they are funded in part by fines and fees paid by criminal offenders. Generally, very little contact is made between the victim and the offender under these programs, however, it is fair to state that this can be viewed as a restorative justice concept that is being practiced.

In the course of researching this issue of restorative justice, CJJP became aware of additional restorative justice programs that are being utilized in various states across the country within the criminal justice system. These programs include victim impact statements, victim impact panels, victim impact classes, sentencing circles and family group conferencing.

While all of these programs are not being utilized in Iowa's criminal justice system, they may be implemented if Iowa criminal justice practitioners determine they are appropriate and useful to their restorative justice initiatives.

Iowa Restorative Justice Organizations

There are numerous groups that have taken action in promoting the incorporation of restorative justice concepts within Iowa's criminal justice system. Such groups include the Iowa Restorative Justice Advocacy Incorporated (IRJA), the Iowa Peace Institute, Iowa Conflict Resolution Project and the Iowa Justice Fellowship Task Force.

Justice Fellowship is the public policy division of Prison Fellowship Ministries founded in 1983 by former presidential aide Charles Colson. It works with state and federal policy makers to bring restorative justice principles to criminal justice systems across the United States. It established an Iowa branch in 1991. It researches, drafts and communicates model restorative justice principles to encourage public policies responsive to the victim, the offender, the community and government.

In the six years Justice Fellowship has been active in Iowa, it has focused on three areas: task force recruitment, legislative activity and community and government networking. It examines the needs and responsibilities of crime victims, offenders, the community and government. It also develops roles and actions for each of the parties throughout the criminal justice process.

IRJA membership includes a variety of private non-profit and governmental agencies. It assists in coordinating and leading county meetings concerned about the criminal justice system in presenting the restorative justice model and how it can be incorporated within the system. The IRJA also reviews Iowa's justice system and determines points at which restorative justice intervention can be implemented. The IRJA provides a means to analyze and evaluate current practices and plans for continuous improvement, and it provides materials about training for those who volunteer as victim/offender mediators,

restitution/probation officers, etc.

The Iowa Restorative Justice Advocacy and the Iowa Justice Fellowship Task Force have focused their attention on community based corrections, truth-in-sentencing and juvenile justice issues. Through collaborative efforts with legislators, task force members and policymakers engage in dialogue to promote and obtain legislation that incorporates restorative justice concepts and principles.

Comments

Many justice system practitioners and decision makers see the possible potential benefits and limitations of incorporating restorative justice philosophies, ideas, concepts, principles and practices. The criminal justice system realistically can not repair all injuries suffered by victims as a result of crime. Many physical, psychological and financial injuries suffered by victims, their families and communities will not be fully repaired through justice system policies and programs. To expect such total restoration is probably unrealistic and, if promoted inappropriately, may mislead victims as to what they can expect from the justice system.

Justice system officials should not further victimize victims by requiring them to confront offenders outside the courtroom if they choose not to do so. Sanctions and offender programs that include offender/victim interactions should avoid policies that require such interaction for program completion in ways that pressure victims to participate against their wishes. Victims should be given the opportunity to provide input and to otherwise be involved in the state's response to offenders. Such input and involvement should be voluntary, but not required or otherwise coerced.

While the restorative justice concept is growing in awareness and acceptance, it has not been fully embraced by criminal and juvenile justice practitioners. Presently, there are no uniform statewide policies governing the application of restorative justice. Its ideas, concepts, principles and practices vary across the state. The progress of incorporating this innovative approach within our criminal justice system has been gradual. Continued collaboration of restorative justice organizations with justice system practitioners, judicial personnel and policy and decision-makers could strengthen the utilization of restorative justice within the context of Iowa's criminal justice system.

RECOMMENDATIONS

- **The Council recognizes restorative justice, its concepts and principles as a viable approach to managing criminal offenders. The Council supports the efforts of various organizations, committees and task forces who, through collaboration with key leaders in the justice system, judiciary, and policy and decision makers, strive to incorporate restorative justice principles within the context of Iowa's criminal justice system.**
- **The Council recommends that, wherever appropriate, justice system practitioners, the judiciary and policy and decision makers incorporate restorative justice concepts and principles within Iowa's criminal justice system.**

The focus should include both state and local emphases on victim and community reparation and offender accountability to their victim and community.